

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES
(Attorney Docket № 14307US02)**

In the Application of:

Jeyhan Karaoguz, et al.

Serial No. 10/675,193

Filed: September 30, 2003

For: METHOD AND SYSTEM FOR MEDIA
EXCHANGE NETWORK
FUNCTIONALITY ACCESSED VIA
MEDIA PROCESSING SYSTEM KEY
CODE ENTRY

Examiner: Patrick A. Ryan

Group Art Unit: 2427

Confirmation No. 5333

Electronically filed on August 9, 2010

APPEAL BRIEF

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is an appeal from an Office Action dated March 15, 2010 (“Final Office Action”), in which claims 1-36 were finally rejected. The Appellant respectfully requests that the Board of Patent Appeals and Interferences (“Board”) reverses the final rejection of claims 1-36 of the present application. The Appellant notes that this Appeal Brief is timely filed within the period for reply that ends on August 10, 2010.

REAL PARTY IN INTEREST
(37 C.F.R. § 41.37(c)(1)(i))

Broadcom Corporation, a corporation organized under the laws of the state of California, and having a place of business at 5300 California Avenue, Irvine, California 92617, has acquired the entire right, title and interest in and to the invention, the application, and any and all patents to be obtained therefor, as set forth in the Assignment recorded at Reel 014249, Frame 0876 in the PTO Assignment Search room.

RELATED APPEALS AND INTERFERENCES
(37 C.F.R. § 41.37(c)(1)(ii))

The Appellant is unaware of any related appeals or interferences.

STATUS OF THE CLAIMS
(37 C.F.R. § 41.37(c)(1)(iii))

The present application includes pending claims 1-36, all of which have been rejected. The Appellant identifies claims 1-36 as the claims that are being appealed. The text of the pending claims is provided in the Claims Appendix.

STATUS OF AMENDMENTS
(37 C.F.R. § 41.37(c)(1)(iv))

The Appellant has not amended any claims subsequent to the final rejection of claims 1-36 mailed on March 15, 2010.

SUMMARY OF CLAIMED SUBJECT MATTER
(37 C.F.R. § 41.37(c)(1)(v))

The Appellant has inserted Figs. 1-2C of the present application below, to illustrate several aspects of the invention.

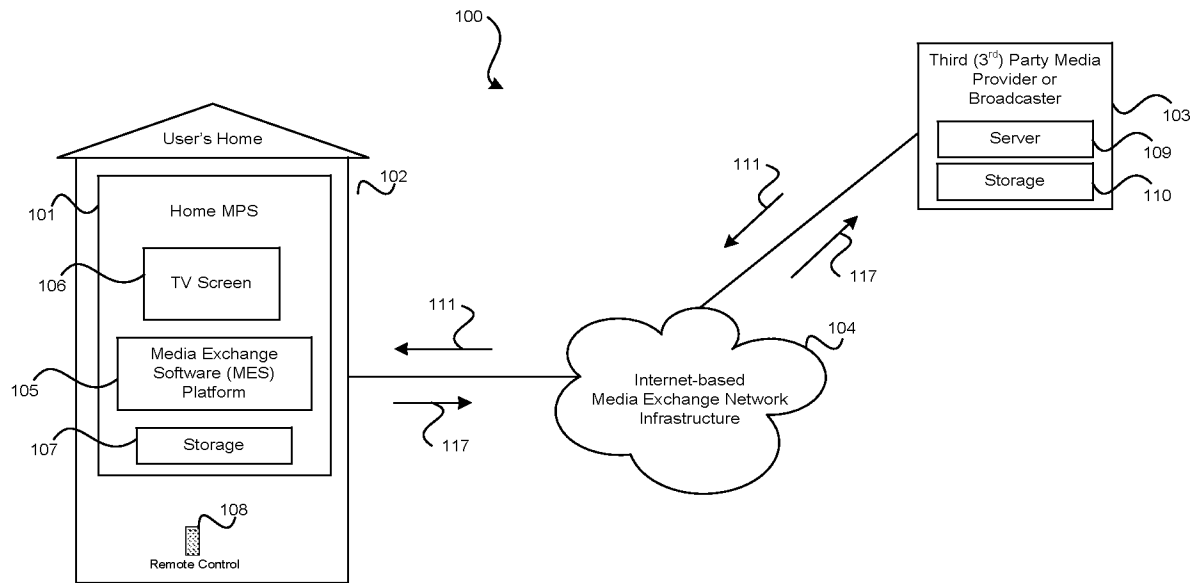


Fig. 1

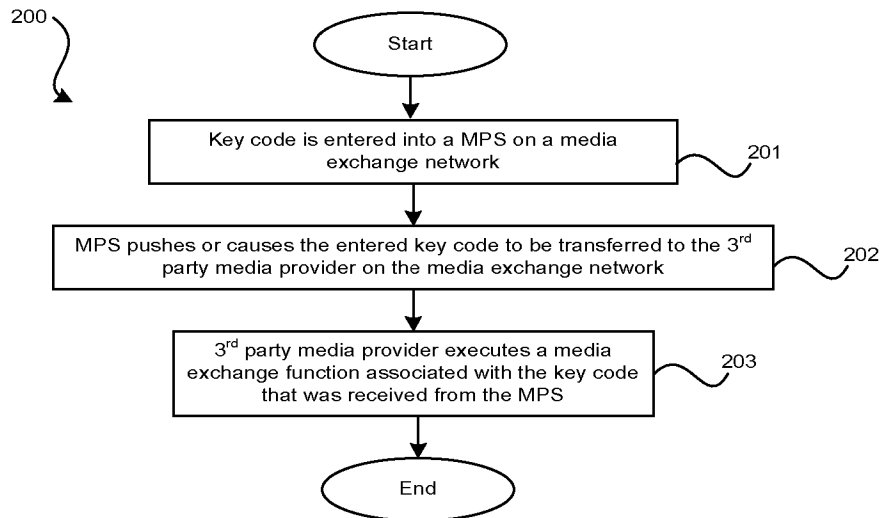


Fig. 2A

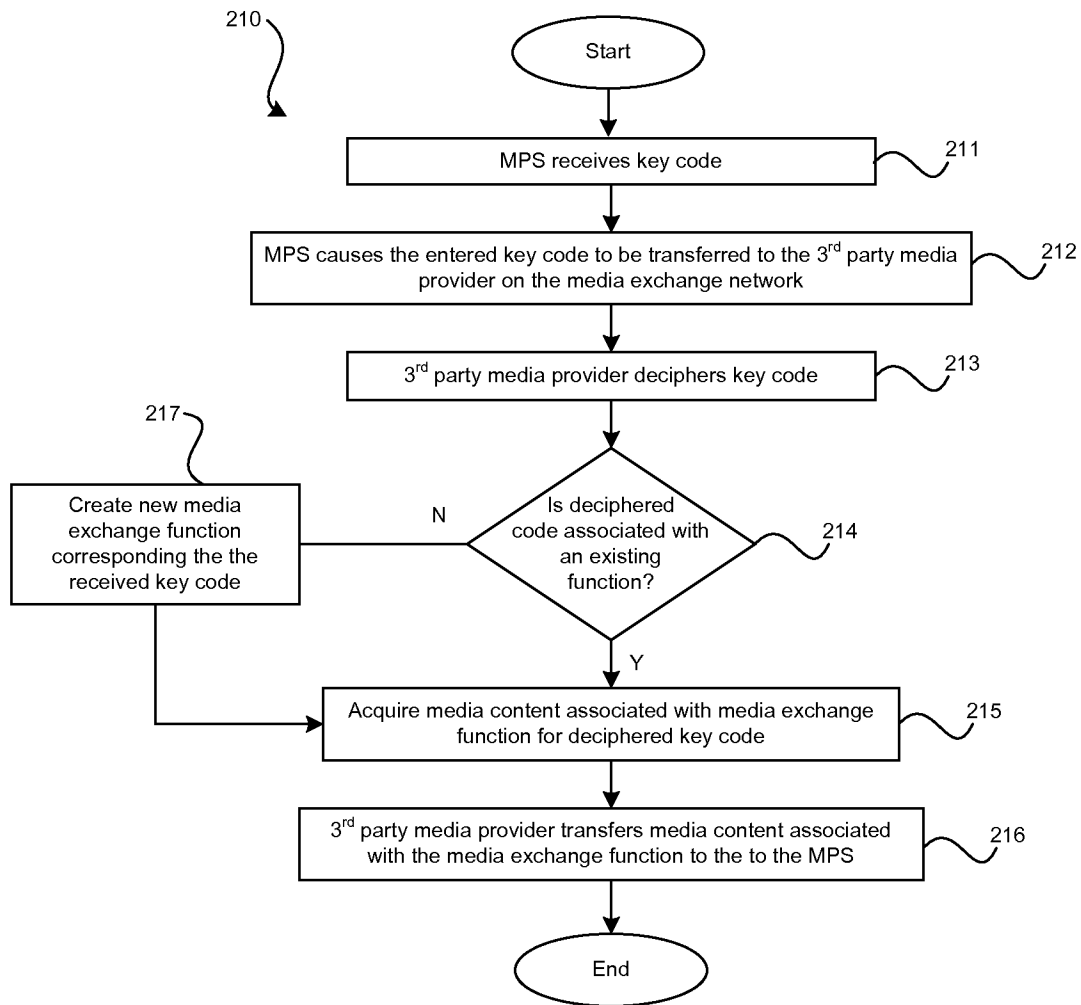


Fig. 2B

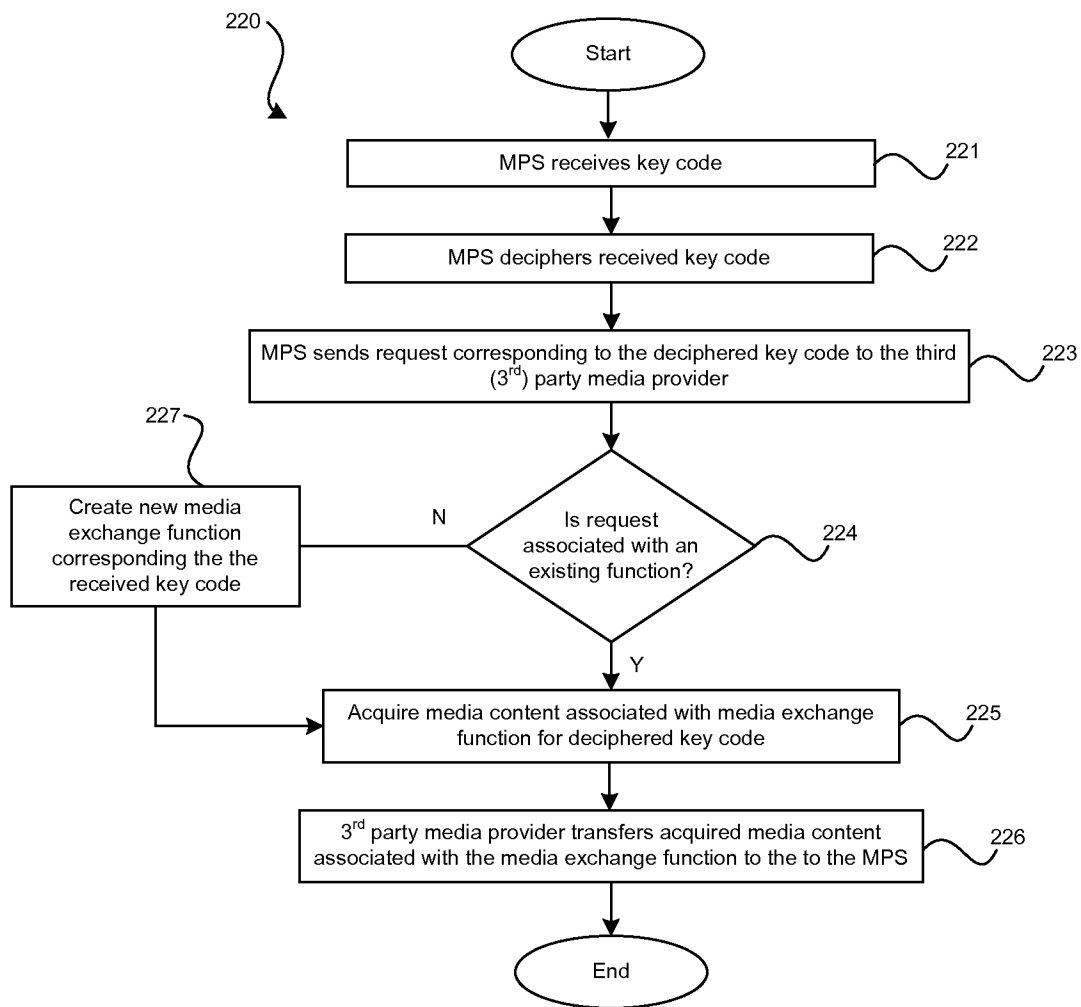


Fig. 2C

Independent claim 1 recites the following:

A method for providing on a television screen¹ within a home², access to selected ones of a plurality of media files stored outside of the home³, the method comprising:

associating, outside of the home, a plurality of key codes with a corresponding plurality of media files⁴, each of said plurality of key codes corresponding to a plurality of key sequences⁵;

receiving one of said plurality of key sequences via manual input⁶ within the home;

authorizing⁷ communication of one of said plurality of media files corresponding to at least one of said associated plurality of key codes, to the home, said authorizing using said associated plurality of key codes; and

if said communication is authorized, communicating⁸ said one of said plurality of media files to the home, for display on the television screen.

Claims 2-6 and 31-33 are dependent directly or indirectly upon independent claim

1.

¹ See present specification at, e.g., p.5, ¶10, line 2; also see TV Screen 106 in Fig. 1

² See *id.*, e.g., p. 5, ¶10, line 2; also see user's home 102 in Fig. 1.

³ See *id.*, e.g., p.5, ¶10, lines 2-3; also see Media files stored in a Third Party Media Provider 103 storage 110 in Fig. 1.

⁴ See *id.*, e.g., p.10, ¶32, lines 3-5 key code; also see 117 in Fig. 1, may be a numeric code, a symbol code, an alphanumeric code an alphabetized code or any combination.

⁵ See *id.*, e.g., p.5, ¶10, lines 4-5; also see key code expressed as key sequences.

⁶ See *id.*, e.g., p.6, ¶13, lines 9-11, p. 13, ¶39, lines 2-3; also see key code generated via I/O devices, mouse, touch screen, keyboard, scanning device, audio processing device or a combination.

⁷ See *id.*, e.g., p.5, ¶10, lines 8-9, p. 10, ¶31, lines 7-8; i.e., determining whether the received key sequence is associated with a function for media exchange.

⁸ See *id.*, e.g., p.5, ¶10, lines 8-9, p. 10, ¶31, lines 7-8; i.e., receiving the media files from the Third Party Media Provider 103.

Independent claim 7 recites the following:

A machine-readable storage having stored thereon, a computer program⁹ having at least one code section for providing on a television screen¹⁰ within a home¹¹, access to selected ones of a plurality of media files stored outside of the home¹², the at least one code section being executable by a machine for causing the machine to perform steps comprising:

associating, outside of the home, a plurality of key codes with a corresponding plurality of media files¹³, each of said plurality of key codes corresponding to a plurality of key sequences¹⁴;

receiving one of said plurality of key sequences via manual input¹⁵ within the home;

authorizing¹⁶ communication of one of said plurality of media files corresponding to at least one of said associated plurality of key codes, to the home, said authorizing using said associated plurality of key codes; and

if said communication is authorized, communicating¹⁷ said one of said plurality of media files to the home, for display on the television screen.

⁹ See *id.*, e.g., see p.5, ¶11, lines 1-2.

¹⁰ See *id.*, e.g., p.5, ¶10, line 2; also see TV Screen 106 in Fig. 1.

¹¹ See *id.*, e.g., p.5, ¶10, line 2; also see user's home 102 in Fig. 1.

¹² See *id.*, e.g., p.5, ¶10, lines 2-3; also see Media files stored in a Third Party Media Provider 103 storage 110 in Fig. 1.

¹³ See *id.*, e.g., p.10, ¶32, lines 3-5; also see key code 117 in Fig. 1, may be a numeric code, a symbol code, an alphanumeric code an alphabetized code or any combination.

¹⁴ See *id.*, e.g., p.5, ¶10, lines 4-5; i.e., key code expressed as key sequences.

¹⁵ See *id.*, e.g., p.6, ¶13, lines 9-11, p. 13, ¶39, lines 2-3; i.e., key code generated via I/O devices, mouse, touch screen, keyboard, scanning device, audio processing device or a combination.

¹⁶ See *id.*, e.g., p.5, ¶10, lines 8-9, p. 10, ¶31, lines 7-8 i.e., determining whether the received key sequence is associated with a function for media exchange.

¹⁷ See *id.*, e.g., p.5, ¶10, lines 8-9, p. 10, ¶31, lines 7-8; also see receiving the media files from the Third Party Media Provider 103.

Claims 8-12 and 34-36 are dependent directly or indirectly upon independent claim 7.

Independent claim 13 recites the following:

A method for providing media content, the method comprising:

receiving a key code¹⁸ corresponding to at least one media exchange function associated with a media program generated by a third (3rd) party provider of media¹⁹, said key code corresponding to at least one key sequence²⁰, said key code associated with said media program, and said key sequence received via manual input²¹ within a home;

communicating one or both of said key code and data representative of said key code to said third (3rd) party media provider²²; and

in response to said communicated one or both of said key code associated with said media program and data representative of said key code²³, and if authorized²⁴ using one or both of said key code and data representative of said key code, receiving media content of said media program²⁵, said media content corresponding to said key

¹⁸ See *id.*, e.g., p.10, ¶32, lines 3-5 and ¶12, lines 2-3; also see key code 117 in Fig. 1, may be a numeric code, a symbol code, an alphanumeric code an alphabetized code or any combination.

¹⁹ See *id.*, e.g., p.5, ¶12, lines 3-4; also see Media files stored in a Third Party Media Provider 103 storage 110 in Fig. 1.

²⁰ See *id.*, e.g., p.5, ¶10, lines 4-5; also see key code expressed as key sequences.

²¹ See *id.*, e.g., p.6, ¶13, lines 9-11, p. 13, ¶39, lines 2-3; i.e., key code generated via I/O devices, mouse, touch screen, keyboard, scanning device, audio processing device or a combination.

²² See *id.*, e.g., see p.5, ¶12, lines 4-7.

²³ See *id.*, e.g., see p.5-6, ¶12, lines 7-10.

²⁴ See *id.*, e.g., p.5, ¶10, lines 8-9, p.5-6, ¶12, lines 11-12, p. 10, ¶31, lines 7-8; i.e., determining whether the received key sequence is associated with a function for media exchange.

²⁵ See *id.*, e.g., p.5, ¶10, lines 8-9, p.5-6, ¶12, lines 12-14, p. 10, ¶31, lines 7-8; i.e., receiving the media files from the Third Party Media Provider 103.

code and said at least one media exchange function from at least said third (3rd) party media provider.

Claims 14-20 are dependent directly or indirectly upon independent claim 13.

Independent claim 21 recites the following:

A system²⁶ for providing media content, the system comprising:

at least one processor operable to receive a key code²⁷ corresponding to at least one media exchange function associated with a media program generated by a third (3rd) party media provider²⁸, said key code corresponding to at least one key sequence²⁹, said key code associated with said media program, and said key sequence received via manual input³⁰ within a home;

said at least one processor is operable to communicate one or both of said key code and data representative of said key code to said third (3rd) party media provider³¹; and

in response to said communicated at least one of said key code associated with said media program and data representative of said key code³², and if authorized³³

²⁶ See *id.*, e.g., p.6, ¶14, lines 1-2; also see Home Media Processing System 101 in Fig. 1.

²⁷ See *id.*, e.g., p.10, ¶32, lines 3-5 and ¶12, lines 2-3; also see key code 117 in Fig. 1, may be a numeric code, a symbol code, an alphanumeric code an alphabetized code or any combination.

²⁸ See *id.*, e.g., p.5, ¶12, lines 3-4; also see Media files stored in a Third Party Media Provider 103 storage 110 in Fig. 1.

²⁹ See *id.*, e.g., p.5, ¶10, lines 4-5; i.e., key code expressed as key sequences.

³⁰ See *id.*, e.g., p.6, ¶13, lines 9-11, p. 13, ¶39, lines 2-3; i.e., key code generated via I/O devices, mouse, touch screen, keyboard, scanning device, audio processing device or a combination.

³¹ See *id.*, e.g., see p.5, ¶12, lines 4-7.

³² See *id.*, e.g., see p.5-6, ¶12, lines 7-10.

³³ See *id.*, e.g., p.5, ¶10, lines 8-9, p.5-6, ¶12, lines 11-12, p. 10, ¶31, lines 7-8; i.e., determining whether the received key sequence is associated with a function for media exchange.

using one or both of said key code and data representative of said key code, said at least one processor is operable to receives media content of said media program³⁴, said media content corresponding to said key code and said at least one media exchange function from at least said third (3rd) party media provider.

Claims 22-30 are dependent directly or indirectly upon independent claim 21.

**GROUND OF REJECTION TO BE REVIEWED ON APPEAL
(37 C.F.R. § 41.37(c)(1)(vi))**

Claims 1-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable by USP 6,766,956 (“Boylan”) in view of USP 5,675,647 (“Garneau”). See the Final Office Action at pages 2-17. The Appellant identifies claims 1-36 as the claims that are being appealed. The text of the pending claims is provided in the Claims Appendix.

³⁴ See *id.*, e.g., p.5, ¶10, lines 8-9, p.5-6, ¶12, lines 12-14, p. 10, ¶31, lines 7-8; also see receiving the media files from the Third Party Media Provider 103.

ARGUMENT
(37 C.F.R. § 41.37(c)(1)(vii))

Rejection Under 35 U.S.C. § 103

In order for a *prima facie* case of obviousness to be established, the Manual of Patent Examining Procedure, Rev. 6, Sep. 2007 (“MPEP”) states the following:

The key to **supporting** any rejection under 35 U.S.C. 103 is the **clear articulation** of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007) noted that **the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit**. The Federal Circuit has stated that “rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.”

See the MPEP at § 2142, citing *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), and *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval). Further, MPEP § 2143.01 states that “the mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art” (citing *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007)). Additionally, if a *prima facie* case of obviousness is not established, the Applicant is under no obligation to submit evidence of nonobviousness:

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

See MPEP at § 2142.

I. The Combination of Boylan and Garneau Does Not Render Claims 1-36 Unpatentable

The Appellant now turns to the rejection of claims 1-36 under 35 U.S.C. 103(a) as being unpatentable by the combination of Boylan and Garneau.

A. Rejection of Independent Claims 1, 7, 13, and 21

With regard to the rejection of independent claim 1 under 103(a), the Appellant submits that the combination of Boylan and Garneau does not disclose or suggest at least the limitation of "...authorizing communication of one of said plurality of media files corresponding to at least one of said associated plurality of key codes, to the home, said authorizing using said associated plurality of key codes," as recited by the Appellant in independent claim 1.

The Final Office Action states the following (See page 4, emphasis added):

"Boylan teaches...associating, outside of the home, a plurality of key codes with a corresponding plurality of media files, each of said plurality of key codes corresponding to a plurality of key sequences ("codes", as defined in Col. 1 Lines 46-65, such as **a bar-code, are associated with media** from sites such as a web-site, a television distribution facility, or a data service provider, as described in Col. 2 Lines 3-64)"

The Examiner equates Boylan's bar-code associated with the TV programs, text, graphics, audio video media to Appellant's "associating ...**key codes** with a corresponding plurality of media files," as recited in Appellant's claim 1. The Examiner also equates Boylan's scanned codes to Appellant's "key sequences" in the alleged "key codes". Regarding Boylan, the Examiner concedes the following:

“Boylan discloses the use of key codes for accessing promotional content communicated from a broadcast distribution facility, as described above, but **does not explicitly describe authorizing communication of one of said plurality of media files corresponding to at least one of said associated plurality of key codes, to the home, said authorizing using said associated plurality of key codes; and communicating a media file if said communication is authorized.**”

See the Final Office Action at page 5 (emphasis added). The Examiner concedes that Boylan does not disclose or suggest that **the same bar-code** (the alleged **“key codes associated with media”**) is used **for authorizing the communication of the media**. The Examiner looks to Garneau to disclose Boylan’s above deficiencies, and states the following:

“In a similar field of invention, Garneau teaches a method and system for broadcasting promotions of service available to valid subscribers, where **each promotion is associated with a specific promotion code** (Abstract). In particular, **Garneau discloses that a code entered by the subscriber is validated at Checking System 24 of Fig. 1 and, when the code is determined to be valid**, the subscriber is provided access to the promotional content (as described in Col. 7 Line 39-Col. 8 Line 27).

Both Boylan and Garneau teach similar techniques for the distribution of promotional content in response to a user entering a corresponding access code. Boylan’s system unconditionally distributes the promotional content to the user in response to the entry of the code. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Boylan to include the authorization process prior to distribution, as taught by Garneau, so that premium content or content that requires payment (i.e. pay-per view) can also be distributed to requesting users (as Garneau suggests in Col. 1 Lines 13-47), which would generate revenue for the broadcaster.”

See the Final Office Action at pages 5-6 (emphasis added). The Examiner first equates Garneau’s pay-per-view program “promotion code” (i.e., program code) to

Appellant's **"key codes"** "associating with corresponding media files". The Examiner then alleges that Garneau discloses "authorizing" by way of a "validation code" entered by a subscriber, attempting to access encrypted content. **In other words, the Examiner seems to allege that Garneau's "promotion code"** (the alleged "key code" for associating with corresponding media files) **is the same as Garneau's "validation code"**.

The Appellant respectfully disagrees, and points out that the Examiner's argument is deficient. For example, Garneau's "promotion code" (the alleged "key code") and the "validation code" are not the same, as alleged by the Examiner. In other words, Garneau does not disclose or suggest that **the same code, which** is used for associating with the media (i.e., pay per view programs), **is also used for authorizing the communication of the media**. Therefore, Garneau does not disclose or suggest **"authorizing communication ... of media files corresponding to...said associated plurality of key codes,"** as recited in Appellant's claim 1. Specifically, the Examiner is referred to the following citation of Garneau's abstract:

"This invention relates to a method of distributing signals to valid subscribers comprised of **storing subscriber terminal valid identification codes at a central station. Broadcasting promotions of services available to subscribers, each associated with a specific promotion code**, selecting one of the services and entering a selected service promotion code into a terminal at a subscriber location, automatically reading an identification number associated with the terminal **in response to the entering of a selected promotion code processing the identification number and the selected promotion code in accordance with an encryption algorithm, and generating an encrypted event request code therefrom, providing the event request code to a verification center**, at the verification center. decrypting the

event request code, **verifying the number against the valid identification codes, and providing a password unique to the terminal and the selected promotion code**, entering the password into the terminal at the subscriber location, and providing access to a service utilizing one of the distributed signals corresponding to the selected promotion code to the subscriber in response to the entering of the password.

Garneau in the Abstract (also see Gareau's col. 7, lines 39-54) clearly discloses generating a new encrypted "event request code" for verification (i.e., not the **same** promotion code). Garneau further discloses that the "event request code" is verified against the valid ID codes unique to **both the subscriber terminal ID code and the selected service promotion code** (the alleged "key code" associated with the media file). In other words, Garneau's "event request code" (also referred to as the "validation code" by the Examiner) is a different (and new) code generated from both the equipment ID number as well the promotion code, and not from the promotion code alone. In this regard, the Examiner is incorrect in equating Garneau's "promotion code" (the alleged "key code"), which is used for associating services (i.e., the alleged "media"), to the "validation code", which is used for the alleged "authorizing communication of media".

In addition, the Appellant also points out that **Garneau's subscriber's terminal ID is merely a unique equipment serial number assigned to identify the individual subscriber's account for billing purpose, which cannot be used for associating with the various services (i.e., pay per view media files) rendered to the subscribers at all.**

In this regard, the Examiner's allegation that Garneau's "validation code" (a different new code generated from both the equipment ID number as well the promotion code), is the same as the "promotion code" (the alleged "key code") is contrary to the disclosure of Garneau. Accordingly, Garneau does not overcome Boylan's deficiencies. Namely, Garneau does not disclose or suggest **"authorizing** communication ... of media files **corresponding to...said associated plurality of key codes,"** as recited in Appellant's claim 1.

The Examiner in the 6/1/10 Advisory Office Action (page 2) states the following:

"Applicant presents, ... (1) "Garneau does not disclose or suggest that the same key code is used to associate with the media (i.e. pay per view programs), is also used for authorizing the communication of the media" ..."

In response to argument (1), it is the Examiner's position that Garneau's **"program code" is a portion of an "event request code"**, where the "event request code" is used by Checking System 24 to, in part, authorize the communication of media (as Garneau describes in Col. 6 Lines 23-32 and Col. 7 Lines 39-48; with further reference to Final Office Action mailed March 15, 2010 ("Office Action") Pages 4-5). Therefore, **the Examiner submits that the same "program code" of Garneau is used for authorizing the communication of media.** The Examiner additionally notes that **the claimed "authorizing" step is based on "at least one of said associated plurality of key codes" such that multiple key codes corresponding to media files are not precluded from the claimed invention.**"

The Examiner, in effect, seems to argue that Garneau's **subscriber's terminal ID portion and the promotion code portion**, form the entire "event request code" (i.e., the alleged "plurality of key codes"), and Garneau's "program code", being a portion of the "event request code", is the alleged **"one of the plurality of key codes"**.

The Examiner's argument is still deficient, because Appellant's claim 1 clearly recites "associating, outside of the home, a plurality of key codes with a corresponding plurality of media files...." In other words, **the entire portion of Appellant's plurality of key codes corresponds to the plurality of media files**. Garneau's subscriber terminal ID, at least in this respect, does not correspond to the media files.

For example, Garneau discloses that the subscriber's terminal ID is used for identifying the individual subscriber's account for billing purpose only. Garneau's subscriber terminal ID, therefore, **cannot be used for associating with the alleged "corresponding plurality of media files"**. In this regard, the Examiner's allegation that Garneau's "event request code" is the alleged "**plurality of key codes**" is incorrect.

Based on the foregoing rationale, the Appellant maintains that Garneau does not disclose or suggest that the same key code (ie., Garneau's "event request code"), is used for authorizing the communication of the media.

The Examiner in the 6/1/10 Advisory Office Action also states the following:

"Applicant presents, ... (2) "Garneau discloses that the alleged 'authorizing' process requires validation of the subscriber's terminal serial number, prior to verifying the program code stored in the program table 35" (After Final Pages 17 and 21...The Examiner respectfully disagrees.

In response to argument (2), it is the Examiner's position that the claimed "authorizing" step is completed in Garneau when the subscriber receives a password allowing access to the media file (as Garneau described in Col. 8 Lines 15-25; with further reference to Office Action Pages 4-5). "

The Examiner's above argument is irrelevant as to whether or not the alleged "authorizing step" has been completed. The fact remains, as pointed out in Appellant's above arguments, that Garneau's "event request code" is not the alleged "plurality of key codes". Consequently, Garneau also cannot disclose or suggest "...authorizing communication of one of said plurality of media files corresponding to at least one of said associated plurality of key codes,... using said associated plurality of key codes," as recited in Appellant's claim 1.

The Examiner in the 6/1/10 Advisory Office Action further states the following:

"The Examiner additionally notes that the claimed "authorizing using said associated plurality of key codes" does not define who or what is performing the "authorizing" or how the entity is "using" the plurality of key codes to complete the authorizing function, such that the teachings of Garneau would be precluded from the claimed invention .."

The Examiner's above argument is also moot, in view of Appellant's above arguments that Garneau's "event request code" is not the alleged "plurality of key codes". Therefore Garneau does not overcome Boylan's deficiency, namely, Garneau does not disclose or suggest "...authorizing communication of one of said plurality of media files corresponding to at least one of said associated plurality of key codes,... using said associated plurality of key codes," as recited in Appellant's claim 1.

Based on the above rationale, the Appellant maintains that the combination of Boylan and Garneau does not establish a prima facie case of obviousness to reject Appellant's independent claim 1, and claim 1 is submitted to be allowable. Claims 7,

13, and 21 are also allowable at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claim 2-6, 8-12, 14-20 and 22-36

Based on at least the foregoing, the Appellant believes the rejection of independent claims 1, 7, 13, and 21 under 35 U.S.C. § 103(a) as being unpatentable by the combination of Boylan and Garneau has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-6 and 31-33, 8-12 and 34-36, 14-20, and 22-30 depend from independent claims 1, 7, 13, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

B(1). Rejection of Dependent Claims 6, 12 and 20

The Examiner states the following in the Final Office Action (page 7):

“In regards to Claim 6, the combination of Boylan and Garneau teach the method according to Claim 1, comprising **notifying a user of said one of said plurality of key sequences that is associated with a function for media exchange** (Boylan: the user is notified of the existence of a code, for example, by way of advertisements in a newspaper, periodicals, or on a television screen, as described in Col. 14 Lines 38-46; with further reference to Col. 1 Lines 46-65).”

Appellant's claim 6 recites that the user is notified of the “one of said plurality of key sequences that is associated with a function for media exchange”, **only after the steps in claim 1 have been carried out**. Boylan in the above citation, however, discloses **notifying the subscriber in advance** of the existence of a code, for example, by way of advertisements in a newspaper, periodicals, or on a television screen. In other words, Boylan discloses the exact opposite order of what is recited in Appellant's

claim 8. In this regard, the Appellant maintains that the combination of Boylan and Garneau does not disclose or suggest “notifying a user of said one of said plurality of key sequences that is associated with a function for media exchange,” as recited in Appellant’s claim 8. Claim 8 is submitted to be allowable. Claims 12 and 20 are submitted to be allowable at least for the reasons stated above with regard to claim 8.

B(2). Rejection of Dependent Claims 31, 33-34 and 36

Regarding claims 31, 33-34 and 36, the Examiner is referred to Appellant’s arguments with respect to claim 1, that Garneau does not overcome Boylan’s deficiency, namely, Garneau does not disclose or suggest “...**authorizing communication of one of said plurality of media files corresponding to at least one of said associated plurality of key codes,... using said associated plurality of key codes**,” as recited in Appellant’s claim 1. Accordingly, claims 31, 33-34 and 36 are submitted to be allowable based on the above reasoning of claim 1.

The Appellant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-36.

CONCLUSION

For at least the foregoing reasons, the Appellant submits that claims 1-36 are in condition for allowance. Reversal of the Examiner's rejection and issuance of a patent on the application are therefore requested.

The Commissioner is hereby authorized to charge \$540 (to cover the Brief on Appeal Fee) and any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

Date: August 9, 2010

/ Frankie W. Wong /

Frankie W. Wong
Registration No. 61,832
Patent Agent for Appellant

MCANDREWS, HELD & MALLOY, LTD.
500 WEST MADISON STREET, 34TH FLOOR
CHICAGO, ILLINOIS 60661
(312) 775-8093 (FWW)
Facsimile: (312) 775 – 8100

CLAIMS APPENDIX
(37 C.F.R. § 41.37(c)(1)(viii))

Listing of claims:

1. A method for providing on a television screen within a home, access to selected ones of a plurality of media files stored outside of the home, the method comprising:

associating, outside of the home, a plurality of key codes with a corresponding plurality of media files, each of said plurality of key codes corresponding to a plurality of key sequences;

receiving one of said plurality of key sequences via manual input within the home;

authorizing communication of one of said plurality of media files corresponding to at least one of said associated plurality of key codes, to the home, said authorizing using said associated plurality of key codes; and

if said communication is authorized, communicating said one of said plurality of media files to the home, for display on the television screen.

2. The method according to claim 1, comprising determining whether said received one of said received plurality of key sequences is associated with an existing function for media exchange.

3. The method according to claim 2, comprising, if said received one of said received plurality of key sequences is associated with said existing function for media exchange, requesting at least one media file associated with said existing function for media exchange.

4. The method according to claim 2, comprising, if said received one of said received plurality of key sequences is associated with said existing function for media exchange, receiving at least one media file associated with said existing function for media exchange.

5. The method according to claim 2, comprising, if said received one of said received plurality of key sequences is associated with said existing function for media exchange, displaying at least one media file associated with said existing function for media exchange.

6. The method according to claim 1, comprising notifying a user of said one of said plurality of key sequences that is associated with a function for media exchange.

7. A machine-readable storage having stored thereon, a computer program having at least one code section for providing on a television screen within a home, access to selected ones of a plurality of media files stored outside of the home, the at least one code section being executable by a machine for causing the machine to perform steps comprising:

associating, outside of the home, a plurality of key codes with a corresponding plurality of media files, each of said plurality of key codes corresponding to a plurality of key sequences;

receiving one of said plurality of key sequences via manual input within the home;

authorizing communication of one of said plurality of media files corresponding to at least one of said associated plurality of key codes, to the home, said authorizing using said associated plurality of key codes; and

if said communication is authorized, communicating said one of said plurality of media files to the home, for display on the television screen.

8. The machine-readable storage according to claim 7, comprising code for determining whether said received one of said received plurality of key sequences is associated with an existing function for media exchange.

9. The machine-readable storage according to claim 8, comprising code for requesting at least one media file associated with said existing function for media exchange, if said received one of said received plurality of key sequences is associated with said existing function for media exchange,.

10. The machine-readable storage according to claim 8, comprising code for receiving at least one media file associated with said existing function for media exchange, if said received one of said received plurality of key sequences is associated with said existing function for media exchange.

11. The machine-readable storage according to claim 8, comprising code that causes display of least one media file associated with said existing function for media exchange, if said received one of said received plurality of key sequences is associated with said existing function for media exchange.

12. The machine-readable storage according to claim 7, comprising code for notifying a user of said one of said plurality of key sequences that is associated with a function for media exchange.

13. A method for providing media content, the method comprising:
receiving a key code corresponding to at least one media exchange function associated with a media program generated by a third (3rd) party provider of media, said key code corresponding to at least one key sequence, said key code associated with said media program, and said key sequence received via manual input within a home;

communicating one or both of said key code and data representative of said key code to said third (3rd) party media provider; and

in response to said communicated one or both of said key code associated with said media program and data representative of said key code, and if authorized using one or both of said key code and data representative of said key code, receiving media content of said media program, said media content corresponding to said key code and said at least one media exchange function from at least said third (3rd) party media provider.

14. The method according to claim 13, comprising determining whether said key code is associated with an existing media exchange function.

15. The method according to claim 14, comprising, if said key code is associated with said existing media exchange function, requesting said received media content corresponding to said key code and said at least one media exchange function from said third (3rd) party media provider.

16. The method according to claim 14, comprising, if said key code is unassociated with said existing media exchange function, initiating the creation of a new media exchange function corresponding to said key code.

17. The method according to claim 13, comprising transferring said received media content corresponding to said key code and said at least one media exchange function from said third (3rd) party media provider to a media processing system.

18. The method according to claim 13, comprising presenting at least a portion of said received media content corresponding to said key code and said at least one media exchange function to said user.

19. The method according to claim 13, comprising displaying at least a portion of said received media content corresponding to said key code and said at least one media exchange function on a television screen of said media processing system.

20. The method according to claim 13, comprising notifying a user of availability of said key code associated with said media program generated by said third (3rd) party media provider.

21. A system for providing media content, the system comprising:

at least one processor operable to receive a key code corresponding to at least one media exchange function associated with a media program generated by a third (3rd) party media provider, said key code corresponding to at least one key sequence, said key code associated with said media program, and said key sequence received via manual input within a home;

said at least one processor is operable to communicate one or both of said key code and data representative of said key code to said third (3rd) party media provider; and

in response to said communicated at least one of said key code associated with said media program and data representative of said key code, and if authorized using one or both of said key code and data representative of said key code, said at least one processor is operable to receives media content of said media program, said media content corresponding to said key code and said at least one media exchange function from at least said third (3rd) party media provider.

22. The system according to claim 21, wherein said at least one processor is operable to determine whether said key code is associated with an existing media exchange function.

23. The system according to claim 22, wherein said at least one processor is operable to request said received media content corresponding to said key code and said at least one media exchange function from said third (3rd) party media provider, if said key code is associated with said existing media exchange function.

24. The system according to claim 22, wherein said at least one processor is operable to initiate the creation of a new media exchange function corresponding to said key code, if said key code is unassociated with said existing media exchange function.

25. The system according to claim 21, wherein said at least one processor is operable to transfer said received media content corresponding to said key code and said at least one media exchange function from said third (3rd) party media provider to a media processing system.

26. The system according to claim 21, wherein said at least one processor is operable to cause at least a portion of said received media content corresponding to said key code and said at least one media exchange function to be presented to said user.

27. The system according to claim 21, wherein said at least one processor is operable to cause at least a portion of said received media content corresponding to said key code and said at least one media exchange function to be displayed on a television screen of said media processing system.

28. The system according to claim 21, wherein said at least one processor is operable to notify a user of availability of said key code associated with said media program generated by said third (3rd) party media provider.

29. The system according to claim 21, wherein said at least one processor is operable to receive said key code generated by one or more of a remote control device, a keyboard, a scanning device and/or an audio processing device.

30. The system according to claim 21, wherein said at least one processor is one or more of a media processing system processor, a media management system processor, a computer processor, a media exchange software processor and/or a media peripheral processor.

31. The method according to claim 1, wherein said associated plurality of key codes provide authorization to access an existing function for media exchange.

32. The method according to claim 31, comprising accessing media information related to said existing function for media exchange using said associated plurality of key codes.

33. The method according to claim 31, wherein said associated plurality of key codes provide authorization to access an existing function for media exchange based on a payment of a fee.

34. The machine-readable storage according to claim 7, wherein said associated plurality of key codes provide authorization to access an existing function for media exchange.

35. The machine-readable storage according to claim 34, comprising code for accessing media information related to said existing function for media exchange using said associated plurality of key codes.

36. The machine-readable storage according to claim 34, wherein said associated plurality of key codes provide authorization to access an existing function for media exchange based on a payment of a fee.

EVIDENCE APPENDIX

(37 C.F.R. § 41.37(c)(1)(ix))

(1) United States Pat. No. 6,766,956 (“Boylan”), entered into record by the Examiner in the March 15, 2010 Final Office Action.

(2) United States Pat. No. 5,675,647 (“Garneau”), entered into record by the Examiner in the March 15, 2010 Final Office Action.

RELATED PROCEEDINGS APPENDIX

(37 C.F.R. § 41.37(c)(1)(x))

The Appellant is unaware of any related appeals or interferences.